

20051101000568210 1/4 \$32.00  
Shelby Cnty Judge of Probate, AL  
11/01/2005 03:04:12PM FILED/CERT

## UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

King & Spalding LLP  
Attn: Deborah Corey  
191 Peachtree Street  
Atlanta, Georgia 30303

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME

PIKE NURSERY HOLDING LLC

OR

1b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

1c. MAILING ADDRESS

4020 Steve Reynolds Boulevard

CITY

Norcross

STATE

GA

POSTAL CODE

30093

COUNTRY

USA

1d. SEE INSTRUCTIONS

ADD'L INFO RE  
ORGANIZATION  
DEBTOR

1e. TYPE OF ORGANIZATION

Limited Liability Co

1f. JURISDICTION OF ORGANIZATION

Georgia

1g. ORGANIZATIONAL ID #, if any

GA 0415325

☐ NONE

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME

OR

2b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

2c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

2d. SEE INSTRUCTIONS

ADD'L INFO RE  
ORGANIZATION  
DEBTOR

2e. TYPE OF ORGANIZATION

2f. JURISDICTION OF ORGANIZATION

2g. ORGANIZATIONAL ID #, if any

☐ NONE

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME

BANK OF AMERICA, N.A.

OR

3b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

3c. MAILING ADDRESS

3700 Crestwood Parkway, Suite 1050

CITY

Duluth

STATE

GA

POSTAL CODE

30096-5636

COUNTRY

USA

4. This FINANCING STATEMENT covers the following collateral:

Any and all of Debtor's goods held as fixtures on the real property described on Exhibit "A". TOGETHER WITH all Substitutions, Proceeds and Products thereof.

The indebtedness secured by this financing statement is \$7,854,000.00. Taxes due have been paid simultaneously with the recording of the MORTGAGE AND SECURITY AGREEMENT filed with the Judge of Probate, Shelby County, Alabama, and recorded at Instrument # 20051101000568200 on October 1, 2005.  
NOVEMBER

5. ALTERNATIVE DESIGNATION (if applicable):	<input type="checkbox"/> LESSEE/LESSOR	<input type="checkbox"/> CONSIGNEE/CONSIGNOR	<input type="checkbox"/> BAILEE/BAILOR	<input type="checkbox"/> SELLER/BUYER	<input type="checkbox"/> AG. LIEN	<input type="checkbox"/> NON-UCC FILING
6. <input checked="" type="checkbox"/> This FINANCING STATEMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS. Attach Addendum	7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) (if applicable) (ADDITIONAL FEE) (optional)		<input type="checkbox"/> All Debtors <input type="checkbox"/> Debtor 1 <input type="checkbox"/> Debtor 2			
8. OPTIONAL FILER REFERENCE DATA (11708.253001) ALABAMA, Shelby County						



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## UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

### 9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT

9a. ORGANIZATION'S NAME PIKE NURSERY HOLDING LLC		
OR		
9b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME, SUFFIX

### 10. MISCELLANEOUS:

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

### 11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one name (11a or 11b) - do not abbreviate or combine names

11a. ORGANIZATION'S NAME				
OR				
11b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX	
11c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY
11d. TAX ID #: SSN OR EIN	ADD'L INFO RE ORGANIZATION DEBTOR	11e. TYPE OF ORGANIZATION	11f. JURISDICTION OF ORGANIZATION	11g. ORGANIZATIONAL ID #, if any <input type="checkbox"/> NONE

### 12. ☐ ADDITIONAL SECURED PARTY'S ☐ or ☐ ASSIGNOR S/P'S NAME - insert only one name (12a or 12b)

12a. ORGANIZATION'S NAME				
OR				
12b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX	
12c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY

13. This FINANCING STATEMENT covers ☐ timber to be cut or ☐ as-extracted collateral, or is filed as a ☒ fixture filing.

### 14. Description of real estate:

See Exhibit A attached hereto and incorporated herein by this reference.

15. Name and address of a RECORD OWNER of above-described real estate (if Debtor does not have a record interest):

Debtor is record owner.

### 16. Additional collateral description:

17. Check only if applicable and check only one box.

Debtor is a ☐ Trust or ☐ Trustee acting with respect to property held in trust or ☐ Decedent's Estate

18. Check only if applicable and check only one box.

☐ Debtor is a TRANSMITTING UTILITY

☐ Filed in connection with a Manufactured-Home Transaction — effective 30 years

☐ Filed in connection with a Public-Finance Transaction — effective 30 years

FILING OFFICE COPY — NATIONAL UCC FINANCING STATEMENT ADDENDUM (FORM UCC1Ad) (REV. 07/29/98)

NATUCCI - 5/4/01 C T System Online



**EXHIBIT A**

**PARCEL I**

A parcel of land situated in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 36, Township 18 South, Range 2 West, Shelby County, Alabama; being more particularly described as follows:

Begin at the Southeast corner of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said section and run North along the East line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section a distance of 1344.00 feet to the Northeast corner of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section; thence  $129^{\circ} 37'$  to the left in a Southwesterly direction a distance of 447.55 feet to the Easternmost corner of Lot 1, Heatherbrooke Office Park Resurvey, as recorded in Map Book 23, Page 46, in the Office of the Judge of Probate of Shelby County, Alabama; thence continue along the last described course and along a Southeasterly property line of said Lot 1 a distance of 382.03 feet to a point; thence  $0^{\circ} 14' 28''$  to the right in a Southwesterly direction along a Southeasterly property line of said Lot 1 a distance of 411.00 feet to a point; thence  $72^{\circ} 57' 52''$  to the left in a Southeasterly direction along the property boundary of said Lot 1 a distance of 128.29 feet to a point on a curve to the right having a radius of 670.14 feet and a central angle of  $2^{\circ} 17' 39''$ ; thence  $87^{\circ} 21' 32''$  to the left ( angle measured to tangent ) in a Northeasterly direction along the arc of said curve a distance of 26.83 feet to a point; thence  $90^{\circ} 00'$  to the right ( angle measured to tangent ) in a Southeasterly direction a distance of 60.00 feet to a point on a curve to the right having a radius of 610.14 feet and a central angle of  $18^{\circ} 38' 19''$ ; thence  $90^{\circ} 00'$  to the left ( angle measured to tangent ) in a Northeasterly direction along the arc of said curve a distance of 198.48 feet to the P.R.C. ( point of reverse curve ) of a curve to the left having a radius of 319.43 feet and a central angle of  $25^{\circ} 30' 50''$ ; thence in a Northeasterly direction along the arc of said curve a distance of 142.24 feet to a point; thence  $114^{\circ} 13' 54''$  to the right ( angle measured to tangent ) in a Southerly direction a distance of 117.17 feet to a point; thence  $82^{\circ} 08' 06''$  to the left in a Southeasterly direction a distance of 65.46 feet to a point; thence  $70^{\circ} 57' 13''$  to the left in a Northeasterly direction a distance of 61.84 feet to a point; thence  $99^{\circ} 29' 07''$  to the right in a Southeasterly direction a distance of 57.08 feet to a point; thence  $19^{\circ} 26' 40''$  to the right in a Southeasterly direction a distance of 73.28 feet to a point; thence  $0^{\circ} 38' 40''$  to the right in a Southeasterly direction a distance of 81.94 feet to a point; thence  $25^{\circ} 42' 01''$  to the left in a Southeasterly direction a distance of 50.71 feet to a point; thence  $24^{\circ} 37' 55''$  to the right in a Southeasterly direction a distance of 94.93 feet to a point; thence  $17^{\circ} 49' 50''$  to the right in a Southeasterly direction a distance of 52.74 feet to a point; thence  $74^{\circ} 12' 26''$  to the right in a Southwesterly direction a distance of 83.74 feet to a point on the South line of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 36, Township 18 South, Range 2 West; thence  $145^{\circ} 18' 42''$  to the left in an Easterly direction along the South line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section a distance of 263.33 feet to the point of beginning.





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## **EXHIBIT A**

### **PARCEL II**

A 20 Foot Force Main Easement as recorded in Instrument #1999-32576 in the Office of the Judge of Probate of Shelby County, Alabama, being situated in the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 36, Township 18 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Northeast corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 36, Township 18 South, Range 2 West and run in a Westerly direction along the North line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section a distance of 251.69 feet to the Point of Beginning of the centerline of the 20 foot easement herein described. Thence  $62^{\circ} 53' 55''$  to the left in a Southwesterly direction along said centerline a distance of 396.07 feet more or less to a point 10 feet North of the Northeasterly Right-of-way line of U.S. Highway No. 280 (said centerline lies 10 feet Southeast of and parallel with the Southeast line of Lot 2, Address Survey as recorded in Map Book 18, Page 118, in the Office of the Judge of Probate of Shelby County, Alabama); thence  $90^{\circ} 05' 04''$  to the left along said centerline and 10 feet Northeast of and parallel with the Northeasterly Right-of-way line of said U.S. Highway No. 280 a distance of 115.5 feet more or less to the center of an existing sanitary sewer manhole, said point being the Point of Ending of the centerline of the 20 foot easement herein described.

Together with the right of ingress and egress over and across Greenhill Parkway, a dedicated roadway, as recorded in Map Book 20, Pages 115, and 116 and in Map Book 25, Page 144.

The above-described property is shown on that certain ALTA/ACSM Land Title Survey prepared by Walter Schoel Engineering Company, Inc. (Joseph F. Breighner, Jr., Ala. License No. 17518) and dated September 26, 2005, which survey is incorporated herein and by this reference made a part hereof.